

## **EXHIBIT 4**

**From:** Lazaroff, Kelly A [Kelly.Lazaroff@skadden.com]  
**Sent:** Friday, May 22, 2009 9:15 AM  
**To:** John Mannix  
**Subject:** Re: 340 W. Army Trail Road

We are going to add provisions to the order asking the court for landlord and tenant estoppels to allay your concerns.

We are going to have to work out the adequate assurance issue - having tax returns for that entity ME has a stake in doesn't work. If you want to make that entity the assignee that is fine. Basically we need financials from the entity that will be the assignee.

We understand the time frame for sure. This will all be wrapped up this afternoon. I should have you the documents in an hour-ish.

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**From:** John Mannix  
**To:** Lazaroff, Kelly A (CHI)  
**Sent:** Fri May 22 07:56:36 2009  
**Subject:** Re: 340 W. Army Trail Road

Yes we will remove contingencies as described but will need immediate delivery of some documents to review, a full detailing of which we will deliver later today. Thanks

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**From:** Lazaroff, Kelly A <Kelly.Lazaroff@skadden.com>  
**To:** John Mannix  
**Cc:** Alexandria Lucas; Fredericks, Ian S <Ian.Fredericks@skadden.com>  
**Sent:** Thu May 21 12:37:41 2009  
**Subject:** RE: 340 W. Army Trail Road  
John,

While we are pleased to have received Merchant Equity's bid for the Bloomingdale property, there are two (related) problems.

We are up against an outside date of June 8 to assume or reject the leases. Based on the extremely compressed time frame, the Settlement and Contingencies provisions would have to come out.

Please advise if you are willing to proceed with these provisions taken out.

Thanks,  
Kelly

**Kelly A. Lazaroff**  
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